

# INVENTION PATHWAY

## INVENTION DISCLOSURE (ID)

- Prepared by inventor
- Signed by inventor, inventor's immediate supervisor & ACOS for R&D at VA facility
- Submit through Director, VA facility, to Director, VA Technology Transfer Program (122TT)

## ID REVIEW

- **Internal:** review for completeness and clarity for DOR purposes. Includes initial screening for scientific merit, relevance to veteran healthcare, & potential clinical impact.
- **External:** as warranted for market analysis & commercial value

## ID RECOMMENDATIONS

- VA TTP forwards recommendations to Office of General Counsel (OGC) within 30\* workdays after receipt of ID.

## DETERMINATION OF RIGHTS (DOR)

OGC reviews recommendations & makes legal DOR based upon federal law:

- VA asserts right, title, & interest to the invention, or
- VA leaves right, title, and interest to the invention with the inventor subject to the govt. retaining a non-exclusive, govt.-use license, or
- VA leaves entire right, title, & interest to the invention with the inventor.

OGC mails DOR letter to inventor, via Director VA facility, within 14\* workdays after receipt of completed ID file from VAHQ with a copy to Director. 122TT

### VA takes right title & interest to the invention PATENT PROCESS

If co-ownership with university applies then a CTAA\*\* would be desirable. Under a CTAA, the University will be the lead organization to patent & commercialize the invention.

#### **VA sole owner:**

- VA will take necessary steps to protect the invention.
- VA will provide funds to patent, market & license the invention.

### VA leaves title to the invention with the inventor but retains a non-exclusive, govt.-use license

- Inventor owns the right to patent & commercialize the invention.
- VA retains a non-exclusive, royalty-free license to the invention with power to grant licenses for government purposes only.
- Inventor signs and returns govt. use license contained in DOR letter.

### VA leaves right, title, & interest to the invention with the inventor

- Inventor owns the right to patent & commercialize the invention.
- Inventor signs and returns acknowledgement contained in DOR letter.

## COMMERCIALIZATION PROCESS

#### **VA sole owner:**

- VA will contract commercialization services.

## VA ROYALTY DISTRIBUTION

- All royalties to VA will be collected by the TTP Financial Mgmt. Office (122TT)
- Inventor(s) will receive the first \$2,000 and thereafter no less than 35% (but not to exceed 50%) of all funds received. The remaining will be distributed to the VAMC where the IP was invented (50% to lab, 25% to VAMC research budget, 10% to VAMC and 15% to VAHQ overhead). Each individual inventor is capped at 150,000 per year inclusive of royalties from all govt. inventions from which that person is an inventor\*\*\*

\*These dates are end goals

\*\*CTAA = Cooperative Technology Administration Agreement

\*\*\* Dual appointments (VA-University inventors may be allowed to receive royalty from the university's share of rights in addition to the VA's distribution)